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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 3:22-CR-00226-JSC
)	
Plaintiff,)	[PROPOSED] DETENTION ORDER
)	
v.)	
)	
IVAN DIAZ,)	
)	
Defendant)	

On June 14, 2022, a federal grand jury in the Northern District of California returned an indictment charging the defendant, Ivan Diaz-Velasquez, with possession with intent to distribute 40 grams or more of fentanyl, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B)(vi).

This matter came before the Court on March 8, 2023, for a detention hearing. The defendant was present and represented by Assistant Federal Public Defender Elizabeth Falk and assisted by a Spanish language interpreter. Assistant United States Attorney Jeremy Goldstein appeared on behalf of the government. The government moved for detention, and the defendant opposed. At the hearing, counsel submitted proffers and arguments regarding detention.

Upon consideration of the facts, proffers, and arguments presented, along with arguments made by the parties' in their briefings, and for the reasons stated on the record, the Court finds clear and

convincing evidence that no condition or combination of conditions will reasonably assure the safety of other persons or the community. Accordingly, the defendant must be detained pending trial in this matter.

The present order supplements the Court's findings and order at the detention hearing and serves as written findings of fact and a statement of reasons as required by Title 18, United States Code, Section 3142(i)(1). As noted on the record, the Court makes the following findings as the bases for its conclusion:

The Court finds, given the facts presented by the parties at the hearing and in their briefings and in the defendant's Pre-Bail Report, that detention is necessary to reasonably assure the safety of others and the community. The defendant has been previously convicted of crimes related to the possession and sale of controlled substances, including the possession and sale of fentanyl in San Francisco's Tenderloin neighborhood. He is charged with possession with intent to distribute a substantial quantity of fentanyl in this case. Defendant has repeatedly been deported and repeatedly been convicted of illegal reentry, and continues to sell significant quantities of fentanyl in the Tenderloin. The Court concludes that no combination of conditions of release will reasonably assure the safety of others.


These findings are made without prejudice to the defendant's right to seek review of his detention or file a motion for reconsideration if circumstances warrant it.

Pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

1. The defendant be, and hereby is, committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
2. The defendant be afforded reasonable opportunity for private consultation with counsel;
and
3. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined shall deliver the defendant to an authorized United States Marshal for the purpose of any appearance in connection with a court proceeding.

IT IS SO ORDERED.

DATED: March 8, 2023



HON. JOSEPH C. SPERO

United States Chief Magistrate Judge